HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 6692 OF 2007

Between:

Mohd. Hafeez and another

… Petitioners

and

The Assistant City Planner, Circle II,
MCH and others

… Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 6692 OF 2007

ORAL ORDER:

It is the case of the petitioners that they are the tenants in respect of the premises bearing No.19-1-874/1/A, situated at Bahadurpura, Hyderabad, by virtue of the registered lease deed dated 27.4.2002 vide document No.482/02. It is stated that a portion of the said house is sought to be demolished for the purpose of widening of the road and that the 4th respondent, the original owner, has given consent for demolition. Pursuant thereto, the 1st and 2nd respondents are going to demolish the house without giving any notice. It is their case that the tenant is also an interested person in the process of acquiring the land and at the instance of the landowner, the property cannot be demolished by dispossessing the petitioners.

Having regard to the facts and circumstances of the case, since the tenant is also an interested person, it is obligatory on the part of the respondents to issue a notice to the petitioners also before acquiring the land under Section 146 or 147 of the Hyderabad Municipal Corporations Act, 1955. It is stated that the contention raised in the

writ petition that the tenant is also entitled for notice, is also decided by a Division Bench of this court reported in **USHODAYA PUBLICATIONS, HYDERABAD V. COMMISSIONER, MCH ([1]).**

In the circumstances, the writ petition is disposed of directing the respondents 1 to 3 to give notice to the petitioners also before acquiring the said land and before dispossessing them from the portion of the said property and shall follow the due process of law. There shall be no order as to costs.

V. ESWARAIAH, J

DATE: 2.4.2007
Note: CC in three days.
Bo
CVM

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[1]. 2001 (3) ALD 173 (DB)